



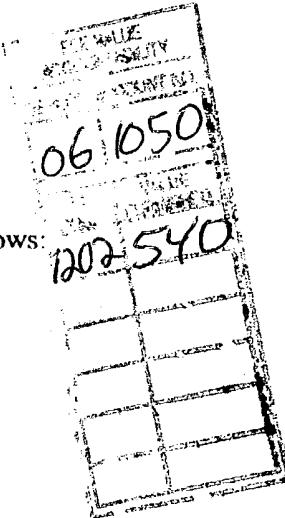
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Murali Nayudu et al Art Unit : 1638
Serial No. : 09/890,306 Examiner : David H. Kruse
Filed : July 27, 2001
Title : A METHOD OF CONTROLLING FUNGAL PATHOGENS, AND AGENTS
USEFUL FOR SAME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY AMENDMENT

Prior to examination, please amend the above-identified application as follows:



CERTIFICATE OF MAILING BY FIRST CLASS MAIL.

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

March 4, 2004

Date of Deposit

Signature

Deborah R. Nast

Typed or Printed Name of Person Signing Certificate

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Attorney's Docket No.: 13377-002001 / 500840/MRO

New claims 73-81 are drawn to various embodiments of the biocontrol agent covered by elected claim 24. New claims 82-91 are drawn to a method of treating fungal infection in a plant using the biocontrol agent covered by elected claim 24. New claims 92-101 are drawn to a method of enhancing post-harvest storage of a plant product using the biocontrol agent covered by elected claim 24. New claim 102 is drawn to a phytoprotective composition containing the biocontrol agent covered by elected claim 24. In other words, each of the new claims either covers "a product or a process of use of said product." Thus, Applicants submit that claims 24-27 and 73-102 relate to a single invention under 37 CFR 1.475(b) and request that these claims be examined and allowed.

Enclosed is a \$1005 check for the Petition for Five Month Extension of Time fee. Please apply any charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 13377-002001.

Respectfully submitted,

Date: 3-4-04



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